

- 5 -

**CLAIM OBJECTIONS**

Examiner objected to claim 5 because it appears as though "a" should be inserted between "presents" and "second" in line 5 of the claim. Kindly note that claim 5 has been amended as requested.

- 6 -

**35 U.S.C. §112**

Examiner stated that claims 18 and 19 are rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. In particular Examiner stated that claim 18 cites "...by a distance of about 0.04 inches". Kindly note that claim 18 has been amended.

- 7 -

**35 U.S.C. §102**

Examiner stated that claims 1-12 and 12 are rejected under 35 U.S.C. 102(3) as being anticipated by Itoh U.S. Patent No. 6,755,299. In particular Examiner stated that Itoh discloses a similar motorized conveyor roller (5) comprising a cylindrical rotatable roller (6) having at least one cylindrical end (7) disengaged from the rotational movement of said rotational roller. In this regard, Agent for Applicant respectfully traverses Examiner's objection on the basis that Itoh teaches:

One of the shaft segments (10) is a rod rotating freely relative to the closure (7), that is **fixed** to the roller body (6) with the use of hollow pins serving as fasteners (see col. 5, lines 65-67).'

Accordingly pins (9) fasten the closures (7 and 8) as viewed in Fig. 2 so that the cylindrical ends are **not** disengaged from the rotational movement of the rotational roller, nor does Itoh teach a hollow drum defining a rotatable supporting surface having a cylindrical shape disposed between first and second generally cylindrical non-rotating surfaces.

Moreover Applicant has amended the claims so as to more precisely include the limitation that:

1. the non-rotatable cylindrical end is spaced axially and exteriorly from the rotatable roller;
2. cylindrical ends are stationary;
3. that the roller tube contacts and moves the conveyor and the first and second cylindrical surfaces are spaced from the conveyor;
4. that the generally cylindrical non-rotational surfaces each extend axially outwardly from the rotatable supporting surface;
5. each of the non-rotating surfaces include a radial end for receiving the first and second spaced apart stationary shafts respectively wherein the radial ends are stationary.

Applicant states that Itoh does not teach these limitations.

- 8 -

Furthermore Examiner stated that claims 13-19 were rejected as being anticipated by Agnoff U.S. Patent No. 5,088,596 on the basis that Agnoff discloses a similar motorized rotatable conveyor roller(10) comprising a hollow drum defining a rotatable supporting surface having a cylindrical shape disposed between first and second generally cylindrical non-rotating surfaces (48,66). Agent for Applicant respectfully states that the first and second generally cylindrical non-rotating surfaces (26 and 66) are not spaced axially outwardly from the rotatable support surface. In particular the non-rotating surfaces (26 and 66) are disposed internally not spaced axially outwardly or exteriorly from the rotatable support surface.

Moreover Agnoff does not teach that the non-rotatable surfaces include a radial end for receiving first and second spaced apart stationary shafts respectively where the radial ends are stationary.

More particularly Agnoff teaches:

the end caps (18 and 20) are secured to the roller tube (16) by securing screw (22 and 24) (see col. 3, lines 27-29)

accordingly the ends (18a and 20a) are unitary with the roller (10).

Applicant's roller includes non-rotational ends which are not unitary nor integral with the rotational roller.

Furthermore Itoh teaches that:

the fixture (8) in turn is made integral with roller body (6) by means of at least one hollow pins (9) serving as the fasteners (see col. 6, lines 43-46).

Accordingly Applicant traverses Examiner's objections as particularized above.

- 9 -

**APPOINTMENT OF AGENT**

Agent for Applicant respectfully states that Eugene J.A. Gierczak was appointed agent of record with full power of attorney in respect of the application and whom continues to act as the agent of record. The agent of record nominated Venable LLP as the associate agent and they have now withdrawn; however, the original agent of record, namely, Eugene J.A. Gierczak continues to act as Agent for the Applicant.

- 10 -

**NON-FINAL ACTION**

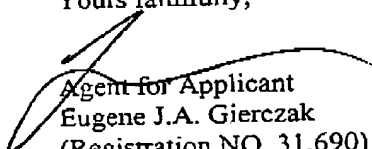
Agent for Applicant notes Examiner has not checked box 2(a) as a final action, although paragraph 8 of the office action states the action is final.

Agent for Applicant respectfully requests clarification that the action is not final bearing in mind box 2(a) and that this is the first office action after filing the RCE. In other words, Agent for Applicant requests Examiner to note that the action is non-final.

**CONCLUSIONS**

Agent for Applicant respectfully states that the application is now in condition for immediate allowance and respectfully solicits same.

Yours faithfully,



Agent for Applicant  
Eugene J.A. Gierczak  
(Registration NO. 31,690)  
**MILLER THOMSON LLP**  
Barristers & Solicitors  
Scotia Plaza, P.O. Box 1011  
40 King Street West, Suite 5800  
Toronto, Ontario Canada M5H 3S1  
Telephone No. 416.596.2132  
Telecopier No. 416.595.8695  
EJAG\*d

←← New Address Effective Feb. 20/06

cc: A. Kanaris

N:\comp\legierczak\Van der Graaf 19175 (4071)\Motorized Drum Roller\USrespc 3. doc.doc